

## **REMARKS**

Reconsideration of the application is respectfully requested. Claims 1-14 are pending and rejected. Claims 1 and 14 are amended.

### **NEW CLAIMS / CLAIM AMENDMENTS**

To facilitate prosecution, claims 1 and 14 have been amended. No new matter has been added. In particular, support for these claims can be found in Figure 2 and the accompanying text on pages 6-7 of the specification. In particular, on the first full paragraph of page 7, it states:

“The present invention enables a user to navigate from one activity to another directly, without having to first back track up to a top activity level before navigating to the new activity of interest, and navigate down.”

Thus, a user may navigate between the various states shown in Figure 2 without returning to a top activity level. Referring now to amended claim 1 in relation to Figure 2, Call SA1 could be any state of a first activity (Call), Chat SA1 could be an initial state of a second activity (Chat), Chat SA2 could be a selected state of the second activity, and FM SA2 could be any state of a third activity (FM). A user could navigate in a sequence from Call SA1 to Chat SA1, then from Chat SA1 to Chat SA2, then from Chat SA2 to FM SA1. The device would then save Chat SA2 to allow subsequent reentry to Chat SA2 from at least one state of at least one activity other than the Chat activity without interveningly navigating to another state capable of receiving user input. (See Figure 4, element 410.) This is just one example of many possible examples, and is not meant to be limiting in any sense.

Thus, Applicants submit that one of ordinary skill would understand from the original disclosure that Applicants were in possession of the invention recited in the claims.

### **CLAIM OBJECTIONS**

Claim 1 is amended to overcome an informality objection.

### **CLAIM REJECTIONS – 35 U.S.C. § 112**

Claims 1 and 14 are amended to overcome rejections under § 112.

## **CLAIM REJECTIONS - 35 U.S.C. § 103**

The Office rejects claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,415,164 B1 issued to Blanchard et al (“Blanchard”) in view of U.S. Pat. No. 6,381,474 B1 issued to Kraft (“Kraft”). A prima facie case for obviousness under § 103(a) requires that the cited references teach or suggest all elements of the rejected claims. Because the combination of Blanchard and Kraft fails to teach or suggest all elements, Applicants submit that the Office has failed to establish a prima facie case for obviousness and that claims 1-14 are therefore patentable.

### **A. Claims 1-4, 8-10 and 13-14**

Amended independent claim 1 claims a mobile communication device comprising:

a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity;

a navigation button; and

a menu driver to facilitate a user to navigate directly from one activity to another, in response to user inputs provided through the navigation button, the menu driver adapted to:

facilitate a user in navigating, in a sequence comprising navigating from any state of a first activity to an initial state of a second activity, from the initial state of the second activity to a selected state of the second activity, and from the selected state to any state of a third activity, each facilitated without interveningly navigating to any other navigational states capable of receiving user input, the second activity different from the first and third activities;

saving the selected state of the second activity ; and

enabling subsequent re-entry into the saved selected state of the second activity from the any state of the third activity without interveningly navigating to any other navigational state capable of receiving user input.

Claim 1 taken as a whole as required by law recites a mobile communications device with a menu driver capable of facilitating a user in navigating in the following sequence without any intervening navigation screens capable of receiving user input:

1. any state of a first activity
2. an initial state of a second activity
3. a selected state of the second activity

4. any state of a third activity
5. the selected state of the second activity

Furthermore, the menu driver must be capable of saving the selected state of the second activity, so as to enable the user to subsequently re-enter that state without any intervening navigation. One purpose may be to allow a user to return to a previously-navigated screen without having to navigate back to it from a top-level screen.

In a rejection of the previous version of claim 1, the Office concedes that Blanchard does not teach “enabling subsequent re-entry into the saved selected state of the second activity ... without interveningly navigating to any other navigational state capable of receiving user input” and instead cites Kraft, column 3, lines 51-65 and column 5, line 11 through column 7, line 5 as curing this deficiency. Kraft teaches a mobile phone with a “Redo & Undo” menu that allows a user to either redo or undo previous actions. For example, in figure 3, a user may enter the “Redo & Undo” menu 18 and see a list of previous actions labeled 1.1 through 1.12 and either redo or undo those actions.

Applicants submit that Kraft does not cure the deficiency of Blanchard. Figure 3 is instructive. While Kraft does allow a user to return to a previously-accessed state, this is accomplished in Kraft by first navigating to the idle screen 16, pressing the menu button 19, entering the menu screen 17, selecting “Redo & Undo”, entering the “Redo & Undo” menu 18, and finally selecting among the previously-navigated states 1.1 through 1.12. Applicants submit that the navigation sequence of Kraft required to re-enter the previously-navigated state is not a “re-entry into the saved selected state of the second activity from the any state of the third activity without interveningly navigating to any other navigational state capable of receiving user input” as required by claim 1. But that such re-entry in Kraft requires intervening navigation through multiple states capable of receiving user input. For at least this reason, Applicants submit that Kraft fails to cure the deficiency of Blanchard.

Furthermore, Applicants submit that it would not have been obvious to one of ordinary skill to modify Kraft to achieve the device of claim 1. The purpose of Kraft is to allow a user easy access to a list of recent actions so that those actions could be either redone or undone. The inventors determined that as mobile phone menus increase in complexity, users would find it easier to access a list of recent actions than to access the desired action through the phone’s

menu system.<sup>1</sup> The Redo & Undo menu of Kraft allows users to choose from among the most recent 12 previous actions in order simplify user control. Modifying the Kraft device to allow re-entry into a saved selected state without interveningly navigating to any other navigational state capable of receiving user input would require subverting the “Redo & Undo” menu of Kraft altogether, thereby defeating its purpose. There would be no other way to modify Kraft to cure the deficiency of Blanchard. Thus, Kraft teaches away from the method of claim 1. As such, Applicants submit that there would have been no motivation to one of ordinary skill to modify Kraft to achieve the menu driver of claim 1.

Applicants refer the Office to the previous Office Action response dated July 6, 2007 for remarks relating to the lack of suggestion to modify Blanchard to achieve the menu driver of claim 1.

For at least the reasons stated above, Applicants submit that the combination of Blanchard and Kraft fails to teach or suggest all elements of claim 1 and that claim 1 is, accordingly, patentable over the combination.

Claims 2-4 and 13-14 depend from claim 1 incorporating its limitations. Thus, for at least the reasons stated above, claims 2-4 and 13-14 are also patentable over Blanchard.

Independent method claim 8 contains in substance the same limitations as claim 1. Further, claims 9-10 depend from claim 8 incorporating its limitations. Thus, for at least the reasons stated above, claims 8-10 are also patentable over Blanchard.

#### B. Claims 5-7 and 11-12

The Office rejects independent claim 5 under § 103(a) as being unpatentable over the combination of Kraft and Blanchard. But Blanchard is cited as teaching all elements of claim 5. Because the combination of Blanchard and Kraft fails to teach or suggest all elements of claim 5, Applicants submit that claim 5 is patentable over the combination.

Claim 5 recites a mobile communication device comprising:

a plurality of functions to support a plurality of activities to be performed using the mobile communication device, the activities including at least a call activity;

a navigation button; and

a menu driver to facilitate a user to navigate among **selectable sub-activities of an expandable sub-activity of one activity**, including presenting the

---

<sup>1</sup> See Kraft, column 2, lines 51 through 58.

selectable sub-activities as a scrollable list nested in a presentation of the activity, the scrollable list replacing the expandable sub-activity and displaying only a one of the selectable sub-activities at a time.

Thus, claim 5 requires, among other things, a menu driver to navigate among: (1) one activity, (2) expandable sub-activities of the one activity, and (3) selectable sub-activities of the expandable sub-activities of the one activity. On page 6 of the above-captioned office action, Examiner states:

“Fig. 3 clearly shows a scrollable list nested in a presentation of the activity in any one of Fig 3, elements 210, 320, 330, 340, and 350.”

Therefore, the Office reads elements 210, 320, 330, 340, and 350 as “activities”. From this reading of Blancahrd, two possibilities emerge. The Office may be reading “Txt Msg” (331) and “Call Logs” (332) (to take two examples from figure 3) as *expandable* sub-activities of activity “Mailbox” (330). Alternatively, the Office may be reading elements 331 and 332 as *selectable* sub-activities.

Although these elements may in fact be both “selectable” and “expandable”, claim 5 requires that the selectable sub-activities be “of an expandable sub-activity of one activity”. Elements 331 and 332 are not selectable sub-activities of themselves and one is not a selectable sub-activity of the other. Therefore, elements 331 and 332 can arguably be construed as either the expandable sub-activities or as the selectable sub-activities of claim 1 – *but not both*.

Thus, Applicants submit that Blanchard fails to teach all elements of claim 5. Further, Kraft fails to cure the deficiency and there would have been no suggestion to modify Blanchard or Kraft to achieve the mobile device of claim 5. Applicants accordingly submit that claim 5 is patentable over the combination. Claims 6-7 depend from claim 5, incorporating its limitations. Thus, for at least these reasons, claims 6-7 are also patentable over the combination. Independent claim 11 contains in substance the same limitations as claim 5; also claim 12 depends from claim 11 incorporating its limitations. Thus, for at least the reasons discussed above, claims 11-12 are also patentable over Blanchard.

## **CONCLUSION**

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1542; if any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: 02/05/2008

by: /Richard B. Leggett/  
Richard B. Leggett  
Reg. No.: 59,485

Pacwest Center, Suite 1900  
1211 SW Fifth Avenue  
Portland, Oregon 97222  
Telephone: 503-222-9981